

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of

Federal Communications Commission
Office of Secretary

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Appleton, Wisconsin)

MB Docket No. 04-185
RM-10860

To: Office of Secretary
Attn: Chief, Video Division
Media Bureau

**MOTION FOR LEAVE TO ACCEPT COMMENTS OF ACE TV, INC.
IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING**

Ace TV, Inc. ("Ace"), licensee of WACY(TV), Channel 32, Appleton, Wisconsin and permittee of digital television station WACY-DT, Channel 59, Appleton, Wisconsin, by its undersigned attorneys, and pursuant to Section 1.41 of the Commission's rules, hereby respectfully requests leave to file the accompanying "Comments in Support of Notice of Proposed Rule Making." The Comments are filed in response to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, DA 04-1316 (released May 21, 2004) (the "*NPRM*") to substitute DTV Channel 27c for DTV Channel 59 at Appleton, Wisconsin.

The Comments were due to be filed by July 12, 2004. Through an inadvertent error, the attached Comments were not filed within the specified time period. Ace, however, submits that acceptance of the attached Comments is in the public interest of providing the Commission with a complete record upon which to make its own decision and will facilitate the ultimate resolution of this proceeding.

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WHEREFORE, ACE TV, INC. respectfully requests that the accompanying Comments
be ACCEPTED.

Respectfully submitted,

ACE TV, INC.

By: Veronica D. McLaughlin Tippet *AV*
David D. Oxenford
Veronica D. McLaughlin Tippet

Its Attorneys

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Dated: July 14, 2004